

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

United States of America,)	
	Plaintiff,)
vs.)	Case No. 11-4004-01-CR-FJG
Donald George LaFlamme, III,)	
	Defendant.)

ORDER

Pending before the Court is the issue of defendant's mental competency. On August 11, 2011, defendant filed a pretrial motion for psychiatric examination and report (Doc. #67). That motion was granted by Magistrate Judge Matt J. Whitworth on August 23, 2011 (Doc. #69). The forensic evaluation was subsequently conducted by Ryan Nybo, Psy.D. at the Federal Detention Center in SeaTac, Washington, and the report filed February 6, 2012 (Doc. #80).

On April 11, 2012, defendant filed a motion for the appointment of Michael T. Armour, Ph.D., for a second pretrial psychiatric or psychological examination (Doc. #92). That forensic report was filed October 22, 2012 (Doc. #126).

A competency hearing was held on December 11, 2012, by Judge Whitworth during which defense counsel requested an additional psychiatric examination limited solely to the issue of defendant's competency to testify and to cooperate with and assist counsel. Defendant's oral motion was granted. On December 21, 2012, Dr. Armour's supplemental report was filed (Doc. #133).

The competency hearing reconvened on February 7, 2013, at which time the parties stipulated to the forensic evaluations submitted by Ryan Nybo, Psy.D. and Michael T. Armour, Ph.D.

On, November 7, 2013, Judge Whitworth issued a report and recommendation finding defendant competent to stand trial (Doc. #138). No objections to the report and recommendation were filed.

The Court, after independent review of the record and applicable law, finds that defendant is competent to understand the nature and consequences of the proceedings against him and to properly assist in his own defense, and that he is competent to stand trial.

IT IS SO ORDERED.

/s/Fernando J. Gaitan, Jr.
Judge Fernando J. Gaitan, Jr.
Chief United States District Judge

Dated: March 4, 2013
Kansas City, Missouri